S.B. CIVIL SECOND APPEAL NO.500/2006.

13.9.2007.

HON'BLE MR. JUSTICE DALIP SINGH

Shri Praveen Jain, for the appellant.

Heard learned counsel for the appellant. The principle submission of the appellant is with regard to the jurisdiction of the civil court to entertain the suit after coming into force of the Waqf Act, 1995. Admittedly the present suit had been filed prior to the coming into force the Waqf Act, 1995 and was pending before the civil court on the date when the Act came into force. The earlier view of this court in the case of Syed Inamul Haq Shah reported in AIR 2001 Raj. 19 has been over ruled by the Hon'ble Supreme Court in it's judgment in the case of Sardar Khan Vs. Syed Najmul Hasan & ors. Reported in AIR 2007 SC 1447. In that view of the matter since the Hon'ble Supreme Court has taken the view that the civil court does not cease to have jurisdiction with reference to suit which is pending on the date when the Act came into force the aforesaid question raised in the appeal does not survive. Consequently this appeal stands dismissed summarily.

(DALIP SINGH),J.

Ramchandrkhatri,PS